

REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-5, 10, 12, 13, 26, and 28-37 are pending in the application, claims 2, 6-9, 11, 14-25, and 27 having been previously canceled. Claims 1, 10, and 28-34 have been amended; no claims are newly canceled and no claims are newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

By the foregoing Amendment, Applicants have amended and/or cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claim 34 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants traverse this rejection because the claim do point out and distinctly claim the subject matter which Applicants regard as the invention.

However, solely for purposes of expediting prosecution of this application, Applicants have amended claims to further clarify the invention. Accordingly, Applicants request that the Examiner withdraw this rejection of the claims.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3-5, 10, 12, 13, 26, and 28-34 under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja *et al.* ("Kaaresoja"). Applicants traverse this rejection because the reference relied upon by the Examiner does not disclose each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. Kaaresoja fails to disclose all the features of the claims as amended.

More particularly, Kaaresoja does not disclose at least the feature of “generating an output signal...[that] includes a haptic code configured to distinctly identify the first handheld communication device” as recited in claim 1, for example. Claims 10 and 26 recite similar features.

In the March 2009 Office Action, the Examiner alleges that Kaaresoja at paragraph 0024, lines 9-11, excerpted below, discloses this feature. *March 2009 Office Action* at page 4.

The inventors determined that tactile icons can be sent and received as smart messages in much the same way as ringing tones and business cards...

Kaaresoja at ¶ 0024, ll. 9-11. This passage of Kaaresoja apparently describes an ability to send “tactile icons” via smart messages, not a haptic code that is configured to identify the first handheld communication device as claimed.¹

The Examiner alleges that “a message of ringing tone or business card [sic] distinctly identifies a caller and caller’s handheld communication device.” *March 2009 Office Action* at page 4. However, even if this is true, Kaaresoja does not disclose identifying a caller or caller’s handheld communication device based on a haptic code. In other words, the ringing tone or business card of Kaaresoja is not the haptic code as claimed. Claims 1, 10, and 26 clearly recite that a haptic code is configured to distinctly identify the first handheld communication device.

For at least this reason, Kaaresoja fails to disclose all the features of claims 1, 10, and 26. Accordingly, the rejection of these claims is improper and must be withdrawn. Claims 3-5, 12, 13, 26, and 28-31 depend from and add features to one of claims 1, 10, and 26. These dependant claims are not anticipated by Kaaresoja for at least the reasons set forth above with regard to claims 1, 10, and 26. Accordingly, the rejection of these dependant claims is improper and must be withdrawn.

Claims 32-34 have been amended to recite “at least one user-interface member is assigned with a haptic code.” Kaaresoja does not disclose user-interface members assigned with a haptic code as claimed. Kaaresoja describes that a “user can choose a tactile icon from a menu.” *Kaaresoja* at ¶ 0017, ll. 6-7.

¹ Kaaresoja defines “tactile icons” as “vibration patterns.” See, e.g., *Kaaresoja* at ¶ 0018.

Selecting from among a menu as described by Kaaresoja at ¶ 0017, lines 6-7, does not disclose user-interface members being assigned with a haptic code as claimed. Although a user may press a key to select a menu item of Kaaresoja, that key is not assigned with a haptic code. For example, the pressed key may navigate a menu of Kaaresoja but this is not the same as being assigned with a haptic code as claimed.

For at least this reason, Kaaresoja fails to disclose all the features of claims 32-34 as amended. Accordingly, the rejection of claims 32-34 is improper and must be withdrawn.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 35-37 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja in view of U.S. Patent Application Publication No. 2003/0236729 by Epstein *et al.* ("Epstein") and in view of U.S. Patent Application Publication No. 2002/0107936 by Amon ("Amon"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

Claims 35-37 depend from and add features to one of claims 1, 10, and 26. Epstein and Amon fail to cure the deficiencies of Kaaresoja discussed above with regard to claims 1, 10, and 26. For at least this reason, the references relied upon by the Examiner, either alone or in combination with one another, fail to teach or suggest all the features of the claimed invention. Accordingly, the rejection is improper and must be withdrawn.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the Application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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